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In re application of  
Judith L. Erb et al.  
Serial No. 09/833,998  
Filed: April 12, 2001  
For: METHOD AND APPARATUS FOR MEASUREMENT  
OF BINDING BETWEEN A PROTEIN AND A  
NUCLEOTIDE

DECISION ON  
PETITION

This is a response to the INFORMATION FOR WITHDRAWAL OF ABANDONMENT - PTO HAS NO EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED, filed May 27, 2004. The request asks that the abandonment, as set forth in the Notice of Abandonment of May 4, 2004, for failure to timely file a proper reply to the Office letter mailed October 1, 2003 be withdrawn since the applicants did timely file a reply on October 17, 2003. (A copy of the reply is attached to the instant petition as well as a copy of the Express Mail Label.)

**DECISION**

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on October 17, 2003 as evidenced by the properly completed Certificate of Mailing thereon and the copy of the Express Mail Label indicating that the reply was deposited with U.S. Postal Service on October 17, 2003. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed October 1, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed October 17, 2003.

The Petition is **GRANTED**.

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